

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2004-0059

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL
PLAN FOR THE LOS ANGELES REGION REVISING A TOTAL MAXIMUM
DAILY LOAD FOR TRASH FOR BALLONA CREEK AND WETLAND

WHEREAS:

1. The Los Angeles Regional Water Quality Control Board (Regional Board) adopted the revised Water Quality Control Plan for the Los Angeles Region (Basin Plan) under Resolution No. 94-07 on June 13, 1994. The revised Basin Plan was approved by the State Water Resources Control Board (SWRCB) on November 17, 1994 and by the Office of Administrative Law (OAL) on February 23, 1995.
2. In 1996 and again in 1998, the Regional Board identified Ballona Creek and Wetland as being impaired due to trash pursuant to section 303(d) of the federal Clean Water Act (CWA). Because the Ballona Creek and Wetland were listed as impaired for trash under section 303(d), CWA required that a Total Maximum Daily Load (TMDL) be established for this water body. A TMDL specifies load allocations that, when implemented, are expected to result in the attainment of applicable water quality standards.
3. On September 19, 2001, the Regional Board adopted Resolution No. 01-014 establishing a TMDL for trash for Ballona Creek and Wetland by amending Chapters 3 and 7 of the Basin Plan. The Basin Plan amendment was approved by SWRCB on February 19, 2002 under Resolution No. 2002-0039, by OAL on July 18, 2002, and by the U.S. Environmental Protection Agency (USEPA) on August 1, 2002.
4. The City and the County of Los Angeles both filed petitions and complaints in Los Angeles Superior Court challenging the TMDL. Subsequent negotiations led to a settlement agreement, which became effective on September 23, 2003. On March 4, 2004, the Regional Board adopted Resolution No. 04-023 revising the Ballona Creek Trash TMDL to incorporate the negotiated language.
5. SWRCB finds that the amendment is in conformance with the requirements for TMDL development specified in CWA section 303(d) and SWRCB Resolution No. 68-16.
6. SWRCB finds that the Regional Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and other State laws and regulations.
7. SWRCB finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives.

8. Basin Plan amendments do not become effective until approved by SWRCB and until the regulatory provisions are approved by OAL. In addition, TMDLs must be approved by USEPA and a Notice of Decision must be filed with the Secretary of the California Resources Agency.

THEREFORE BE IT RESOLVED THAT:

SWRCB:

1. Approves the amendment to the Basin Plan adopted under Regional Board Resolution No. 04-023.
2. Authorizes the Executive Director or designee to submit the amendment adopted under the Regional Board Resolution No. 04-023, as approved by SWRCB, to OAL and to USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the SWRCB held on September 30, 2004.


Debbie Irvin
Clerk to the Board